

## **MEETING #48 November 12**

At a Regular Meeting of the Madison County Board of Supervisors on  
November 12, 2008 at 3:00 p.m. in the Madison County Administrative Center  
Auditorium:

PRESENT: Eddie Dean, Chairman, Eddie Dean  
James L. Arrington, Vice-Chairman  
William L. Crigler, Member  
Bob Miller, Member  
Clark Powers, Member  
V. R. Shackelford, III, County Attorney  
Lisa A. Robertson, County Administrator  
Jacqueline S. Frye, Secretary

**(BOB MILLER ARRIVED @ 3:30 P.M.)**  
**(JAMES L. ARRINGTON ARRIVED @ 7:30 P.M.)**  
**(V.R. SHACKELFORD, III ARRIVED @ 3:30 P.M.)**

Chairman, Eddie Dean called the meeting to order and announced  
that a Quorum was present.

Chairman, Eddie Dean also advised that V. R. Shackelford, III, County  
Attorney, will be arriving late.

### **IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION**

Larry Fanton, Resident Program Manager, was present and provided the  
following report: Renovations on Route 680 and Route 702 are complete; mowing has  
been completed in Madison County; paving has been completed on Route 29; as a result  
of budget cuts, all service contracts have been suspended (i.e. tree trimming, additional  
mowing, etc.) until budgetary issues are resolved; also advised the second application of  
chloride for dust control has been applied; he also advised it is noted on today Agenda the  
Board will discuss acceptance of Carpenter's Ridge (Route 1022) into the state system  
for maintenance.

Lisa Robertson, County Administrator, advised that Mr. Fanton will be  
unable to remain for the 4:00 p.m. agenda items during which time the Board plans to  
discuss Carpenter's Ridge (Route 1022); therefore, she suggested the Board discuss this  
topic next.

Larry Fanton explained that he will need to appear at the Orange County Board Meeting at 4:00 p.m. today which will make him unavailable to be in Madison County.

Lisa Robertson, County Administrator, explained criteria regarding acceptance of Carpenter's Ridge into the state maintenance system; the roadway has a fifty-foot (50') right-of-way, as denoted on the attached map that has been provided; she stated the Resolution is systematic.

Larry Fanton stated that representatives from the Virginia Department of Transportation walked the roadway and although there are a few punch items noted, there is nothing major that needs to be completed; fees should be received later in the week. Once the Resolution is completed and fees are received from the building, everything will be in order.

Chairman, Eddie Dean advised the Board will need V. R. Shackelford, III, County Attorney, to provide comments on the Resolution that has been provided when he arrives at today's meeting; afterwards, all should be in order.

In closing, Larry Fanton advised this is a standard Resolution and there is nothing unusual about this particular case.

Chairman, Eddie Dean asked if this is a paved road, to which Larry Fanton advised that it is and also added that due to the current slump in the housing market, few homes have been sold in the area; however, the contractor wants to get the road into the state system in order to receive snow removal in the area.

#### **IN RE: PAYROLL & CLAIMS**

Chairman, Eddie Dean asked if there were any concerns about the Payroll & Claims Report as presented for October 2008.

After discussion, on motion of William L. Crigler, seconded by Clark Powers, the warrants issued in satisfaction of payroll for October 2008 (Checks #30110418-426 and 30110427 - 435) and electronic transfer #17), are hereby approved, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Absent
William L. Crigler	Aye
Bob Miller	Absent

Clark Powers                      Aye

On motion of William L. Crigler, seconded by Clark Powers, the warrants issued in satisfaction of claims against the County for October 2008 (Checks #10129131-29241; 29245-29271; 29293-29357) are hereby approved, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Absent
William L. Crigler	Aye
Bob Miller	Absent
Clark Powers	Aye

Chairman, Eddie Dean advised the Board will need to approve the certificate of Claims Capital Fund – October 2008 – [Checks 10129130; 242-244; 272-274; 291-292]

On motion of William L. Crigler, seconded by Clark Powers, the Certificate of Claims Capital Fund – October 2008, are hereby approved, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Absent
William L. Crigler	Aye
Bob Miller	Absent
Clark Powers	Aye

Chairman, Eddie Dean advised the Board will need to approve Supplements for October 2008:

1.	Juvenile Probation #33300-5893	Grant Refund	\$ 6,592.40
2.	Park & Recreation #71100-5690	Youth Sports Deposits	\$10,185.50
3.	Park & Recreation #71100-5691	Beginning Balance Transfer	\$70,958.68
4.	Park & Recreation #71100-5691	Health Fitness Deposits	\$ 298.00
5.	Park & Recreation #71100-5691	Beginning Balance Transfer	\$18,541.65

6.	Park & Recreation #71100-5692	Sign Program/Fields	\$12,840.00
7.	Park & Recreation #71100-5693	Memorial Program/E. Gentry	\$ 3,142.50
8.	Sheriff's Dept. (law enf.) #31200-1460	Security Reimbursement	\$ 2,225.00
<b>TOTAL:</b>			<b><u>\$124,783.73</u></b>

William L. Crigler questioned the beginning balance transfer for Park & Recreation, to which Teresa Miller, Finance Director, explained these funds left over from the past year – when the budget is done, no funds are plugged in for ‘start up’ – actual figures left over dissolved by implementing a balance transfer.

Chairman, Eddie Dean questioned the grant refund for Juvenile Probation, to which Teresa Miller, Finance Director, advised that crime prevention grant funding is received annually; however, having three (3) officers, the department failed to utilize all of the funding that was allocated.

In closing, Teresa Miller, Finance Director, advised that she conversed with John Hespenheide, Regional Director, located in Charlottesville, Virginia, and he assured this will not occur during the new fiscal year. Also, a letter was received from the State of Virginia requesting the leftover funds be returned. She also stated that her department has no control over the funding, and the Juvenile Probation must utilize the funds for crime prevention which they failed to do during the past fiscal year (i.e. about \$9,000.00).

After discussion, on motion of William L. Crigler, seconded by Clark Powers, the supplemental appropriations in the amount of \$124,783.83 was approved as presented, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Absent
William L. Crigler	Aye
Bob Miller	Absent
Clark Powers	Aye

Chairman, Eddie Dean asked for an update on the budgetary requests, to which Teresa Miller, Finance Director, advised some have been received, but the actual deadline is within two (2) weeks.

Teresa Miller, Finance Director, advised that she and Lisa Robertson, County

Administrator, have had a pre-budget conference with Madison County School representatives; also it is anticipated the auditors will be in Madison County during the first week in December to perform the 2008 audit.

In closing, Teresa Miller, Finance Director, stated the auditors had planned to come earlier; however, due to problems being experienced with the RDA System, the pre-audit could not be completed due to problems with several general ledgers; this information will be forwarded to the Finance Department during the next week. Additionally, Robinson, Farmer, Cox Associates will be responsible for reported to APA as to why the information will not be made available to them by November 30<sup>th</sup>.

**IN RE: MADISON FACILITIES & MAINTENANCE:**

Ross Shifflett, Director of Facilities & Maintenance, provided a written report for review; he also advised that correspondence was received from Waste Management, Inc. regarding the recalculation of the index in order to determine what the County's rate will be; according to the correspondence received, it appears the percentage will be 7.1% rate adjustment to the initial contract in place for the upcoming calendar year (15-year agreement) – he feels this increase is due to the extensive cost of fuel. Additionally, he stated the numbers for tonnage be sent from Madison County are about the same as they were in February – there was only (29) loads sent out during the month and the billing is running about \$25,000.00 less during the past few months. Also, a there has been a decrease in revenue being generated for debris being brought to the facility.

Clark Powers believes the decrease may be a result of the slowness of the housing market.

Ross Shifflett also advised that tonnage for scrap metal and white goods in down and there are very few roll-offs being brought; most of the loads leaving the County are generally made of household trash; also advised that about 200 tons of brush was received during October (free brush month); hoping to grind the brush during the month of February and give away the woodchips during the month of March 2009.

In closing, he advised the permit with the City of Hopewell (leachate discharge) is being implemented; testing will be initiated on water samples in order to have the aforementioned permit renewed the first of the year; have had consistent results for gas monitoring and will be sending letters to the Department of Environmental

Quality to lessen the frequency of testing since the numbers are running consistent within limits.

Chairman, Eddie Dean asked if there has been an increase in testing, to which Ross Shifflett advised about three (3) years there was a spike in some of the numbers – the locality has to maintain a level at an acceptable limit for a certain amount of months which has been the case during the past several months; therefore, this may allow the County to space out testing periods once again which could result in a little savings for the County.

Ross Shifflett stated that fall sports are almost wrapped up – hoping to begin basketball shortly along with cheerleading and wrestling for the winter season. Additionally, he advised that Mark Ford and Trone Frye have retired and Joe Hensley is taking over the program; additionally there are a few resignations from the Madison Park & Recreation Authority Board (2 openings) with a possible third resignation to come shortly; applications have been accepted for review and it is anticipated action will be needed during the month of December to fill the vacancies.

Ross Shifflett also advised that positive comments were received from the residents at Shelby Road regarding notification letters being sent to advise there would be practice held at the shooting range; all seems to be going very smoothly.

#### **IN RE: MADISON E-911 CENTER**

Robert Finks, E-911 Coordinator, provided a report for the month of October 2008: [(319) home, (204) wireless; (24) alarm calls; also received a packet from “Code Red” which is the service fee for the reverse 911 - signed contracts have been received along with a task force to get on-line; he stated that training will need to be provided to all individuals who will have access to the system.

#### **IN RE: MADISON SHERIFF’S DEPARTMENT**

Erik Weaver, Sheriff, provided the following report for October 2008:

1. Calls for service: 973
2. Criminal Arrests: 40
3. Civic Process 401
4. Court days: 15
5. Court security fees (paid to the Treasurer): \$3,706.00

6. Local fines from highway safety (paid to the Treasurer): \$8,600.00

Erik Weaver, Sheriff, stated that two (2) grants have been received with one being a DMV grant totaling \$21,735.00 and he is requesting the Board for front funding – the funds from this grant will be used for highway safety; reimbursement should be implemented within thirty (30) to sixty (60) days from the State of Virginia; however, all items must be purchased and installed in the law enforcement vehicles by December 31, 2008.

Clark Powers asked if any of the law enforcement vehicles will need to be replaced, to which Erik Weaver, Sheriff, advised when he submits his departmental budget for the new fiscal year, it will include a list of vehicles will be needed and will be determined by the Board.

Chairman, Eddie Dean stated the County is investigating the possibility of using the leasing program – he suggested the Sheriff get with the Finance Director to get details about the program criteria.

William L. Crigler asked if both grants were with DMV, to which Erik Weaver, Sheriff, advised the second grant is a Regional Data Sharing grant – the County will receive \$60,700.00 (the grant is actually for a total of \$213,000.00 shared amongst [5] Counties) – this is a 100% grant and the County does not have to put up any matching funds; however, the County might have to purchase items prior to receipt of the funds with reimbursement to occur later.

Erik Weaver, Sheriff, advised the County sought to utilize this type of grant in the past; however, the Central Virginia Regional Jail decided not to come on board this year; funding can be utilized for computer equipment (i.e. upgrades) that will allow the Sheriff's Department to log on and share data with other localities that might be working cases that are similar to those being worked in Madison County.

Chairman, Eddie Dean wanted to clarify when the reimbursement(s) would be received from the State (i.e. mid December 2008); to which Randy Jenkins, Chief Deputy, advised was correct.

Chairman, Eddie Dean advised it would be best that billing not be received for payment until December 2008 and the County not be put in a position to

utilize funding in November; also feels there will be a good flow of revenue after taxes have been collected.

Chairman, Eddie Dean asked if the Board will need to authorize the request as presented by the Sheriff, or whether the Finance Director and County Administrator can move forward with supplementing funding, to which Lisa Robertson, County Administrator, advised could be handled in house as the bills were received.

**\*BOB MILLER ARRIVED @ 3:30 P.M.\***

**\*V.R. SHACKELFORD, III ARRIVED @ 3:15 P.M.\***

Lisa Robertson, County Administrator, asked if there will be any obligation for ongoing maintenance for the Regional Data Sharing Grant, to which it was advised that a maintenance contract was already in place.

Erik Weaver, Sheriff, also advised that Randy Jenkins, Chief Deputy, will be attending training on how to utilize the equipment.

After discussion, on motion of William L. Crigler, seconded by Clark Powers, the Board approved for the Madison County Sheriff's Department to accept grant funding for the following:

- |    |                               |                               |
|----|-------------------------------|-------------------------------|
| 1) | DMV Grant for Highway Safety: | \$21,735.00                   |
| 2) | Regional Data Sharing Grant:  | \$60,700.00 (Madison's share) |

With the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Absent
William L. Crigler	Aye
Bob Miller	Abstain
Clark Powers	Aye

Erik Weaver, Sheriff, also advised there was a very good turnout for the "Trick or Trunk" event in Madison County (over 800 visitors) and there were forty (40) vendors who participated; plans are already being made for next year's event.

#### **IN RE: MADISON VOLUNTEER RESCUE SQUAD**

William L. Crigler read the following report provided by the Madison Volunteer Rescue Squad for October 2008:

30 medical emergencies  
18 ALS  
19 BLS



5 MVC  
 1 First Responder  
 9 Injury (not listed)  
 2 Assault  
 1 Accident  
1 Stand-by (house fire)  
 49 total calls

## **IN RE: MINUTES**

Chairman, Eddie Dean advised that Minutes #44, #45, and #46 will need to be approved.

After discussion, on motion William L. Crigler, seconded by Bob Miller, Minutes #44, and #45 are approved as presented, and #46 is approved as amended, and spread in Minute Book #16, page through page, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Absent
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Absent

## **IN RE: WAIVER OF BUILDING FEES (Madison County Removable Stage)**

Lisa Robertson, County Administrator, stated a request has been received from the Madison County Library Board asking the County to waive building fees of \$76.31 associated with the construction of a removable stage; she also advised the County generally waives fees to entities the County supports financially. In closing, she stated the Board previously waived fees when the Madison County Library performed construction a few years ago, and recommends the Board also authorize today's request.

After discussion, on motion of William L. Crigler, seconded by Bob Miller, the Board authorized to waive building fees totaling \$76.31 for the Madison County Library associated with the construction of a removable stage, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Absent
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

**IN RE: VDOT RESOLUTION TO ACCEPT CARPENTER’S RIDGE (Innovation Drive – Route 1022) INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS**

Chairman, Eddie Dean stated the Board previously discussed the aforementioned Resolution presented by the Virginia Department of Transportation to accept Carpenter’s Ridge – Innovation Drive (Route 1022) into the Secondary System of State Highways.

V. R. Shackelford, III, County Attorney, stated the Resolution appears to be standard and is only asking the County to guarantee the right-of-way is fifty-feet (50’), which it clearly is, and has been approved by the Madison County Planning Commission. In closing, V. R. Shackelford, III, County Attorney, approved moving forward with the Resolution as presented.

**RESOLUTION**

WHEREAS, the street(s) described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk’s Office of the Circuit Court of Madison County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

NOW, THEREFORE BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form AM-4.3 to the secondary system of state highways, pursuant to {33.1-229, Code of Virginia, and the Department’s Subdivision Street Requirements, and

**Project: Carpenters Ridge**

**Type Change to the Secondary System of State**

**Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

**Reason for Change:**

Pursuant to Code of Virginia

**New subdivision street**

§33.1-229

**Street Name and/or Route**

► **Innovation Lane, State Route Number 1022**

Old Route Number: 0

- From: Rte. 29
- To: 0.35 Mi. South of Rte. 29, a distance of: 0.35 miles.
- Recordation Reference: Instr. 070001569

Right of Way width (feet) = 50 feet

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

On motion of Bob Miller, seconded by William L. Crigler, the Madison County Board of Supervisors adopted this Resolution in regular meeting session on the 12<sup>th</sup> day of November, 2008, with the following vote recorded:

		<hr/> Eddie Dean, Chairman Madison County Board of Supervisors		
	Aye	Nay	Abstain	Absent
Eddie Dean	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
James L. Arrington	<u>      </u>	<u>      </u>	<u>      </u>	<u>  x  </u>
William L. Crigler	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Bob Miller	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Clark Powers	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>

A Copy Teste:

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Lisa Robertson, County Administrator

**IN RE: CENTRAL VIRGINIA REGIONAL JAIL (Proposed Agreement Establishing a Jail Authority)**

Chairman, Eddie Dean advised the Board will need to discuss the Resolution pertaining to the creation of a Central Virginia Regional Jail Authority.

V. R. Shackelford, III, County Attorney, stated that he received a revised draft of the Resolution late yesterday which he did read and will forward to the County Administrator and Madison County Board of Supervisors.

V. R. Shackelford, III, County Attorney, advised that a Public Hearing will need to be scheduled to discuss the real estate and personal property involved; additionally, the Resolution will also call for adoption of the “jail authority” itself.

V. R. Shackelford, III, County Attorney, stated that he spoke with the legal representative handling the case; he also suggested a Public Hearing be scheduled during the month of December.

Chairman, Eddie Dean asked about the County's claim for personal property and real estate at the facility, to which V. R. Shackelford, III, County Attorney, stated information pertaining to this issue was emailed to his office this morning and he will forward it onto the Board prior to the date of the Public Hearing.

Chairman, Eddie Dean suggested the Board review the aforementioned documents during the Board Workshop Session scheduled for November 20<sup>th</sup> at 2:00 p.m.

Lisa Robertson, County Administrator, advised the Central Virginia Regional Jail Board will meet on December 11<sup>th</sup> and they'd like to have all the documents in place prior to that date; she also explained about the property and that if somehow the authority dissolved itself and the property was sold, the percentages denoted in the original agreement would determine how any allocations would be made to the locality(ies) or used to build a new facility.

In closing, Chairman, Eddie Dean stated there would basically be no change in the personal property or real estate than from what is originally in place.

There was discussion as to when a Public Hearing could be scheduled.

Lisa Robertson, County Administrator, advised that on occasion, the Board has voted on a particular issue after discussion earlier in the meeting session.

In a continued discussion, Chairman, Eddie Dean asked for feedback from fellow Board members regarding the Resolution for the Central Virginia Regional Jail's request to form a Jail board Authority.

Bob Miller suggested the Board explain reasons as to why Madison County is being asked to consider the request for the creation of a Jail Board Authority during the upcoming Public Hearing.

At the close of discussion, the Board decided to schedule a Public Hearing on Tuesday, December 9, 2008 @ 7:40 p.m. after Public Comment @ 7:30 p.m.

V. R. Shackelford, III, County Attorney, also advised the Board will need to schedule a Public Hearing to adopt an Ordinance to move forward with the biennial collection of taxes, to which it was determined would be scheduled on the same night of December 9, 2008 @ 8:00 p.m.

In closing, the Board agreed that if for any reason, something unusual was brought before the Board during the evening session of the December meeting, the Board would continue the meeting until another day in order to move forward with adoption of the Ordinance.

#### **IN RE: PUBLIC COMMENT**

Chairman, Eddie Dean opened the floor for public comment – there was none.

#### **IN RE: MADISON COUNTY TREASURER**

Stephanie Murray, Treasurer, was present to inform the Board members of concerns over the recent mailing of the fiscal year tax billings, in that the vendor who was hired to fold and mail the tax bills failed to follow the request to insert all tax parcel bills belonging to one owner into the same mailing envelope. However, she advised the vendor did allow a reduction in price and a letter will be printed in this week's edition of the Madison Eagle to provide an overview for the general public.

#### **IN RE: PROCLAMATION (National Family Caregivers 2008)**

Lisa Robertson, County Administrator, advised there is a Proclamation to recognize November as National Family Caregiver's Month and will need to be adopted by the Board; a Proclamation was also presented by Chris Miller of the Aging Together Partnership during the past year which was also adopted.

### **PROCLAMATION NATIONAL FAMILY CAREGIVERS MONTH NOVEMBER 2008**

**Whereas**, during this season of thanksgiving, as we pause to reflect on the many blessings that have been bestowed on us as individuals we are especially grateful for the love of our families and friends. One of the most profound ways in which that love is expressed is through the generous support provided by family caregivers to loved ones who are chronically ill, elderly or disabled. Caregivers reflect family and community life at its best. They are among Madison County's most important natural resources.

**Whereas**, the need for family caregivers is growing. Family caregivers currently provide as much as 80% of the care that frail elderly and persons with disabilities need to remain independent and avoid unnecessary institutionalization.

**Whereas**, family caregivers deserve our lasting gratitude and respect. This month, as we honor the many contributions that family caregivers make to

the quality of our lives, let us resolve to work through our community, faith, social, business and other organizations to offer programs and services that will provide caregivers the support and encouragement they need to carry out their vital responsibilities.

**NOW, THEREFORE, BE IT RESOLVED**, the Madison County Board of Supervisors hereby proclaim Madison will join the hundreds of localities in recognizing the valuable contributions of family caregivers. We will actively encourage the support and participation of friends, neighbors, colleagues, and fellow citizens in associated caregiving activities and programs now and through the year.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 12<sup>th</sup> day of November, in the year of 2008, on motion of Clark Powers, seconded by William L. Crigler.

_____	_____ (Absent)
Eddie Dean, Chairman	James L. Arrington, Vice-Chairman
_____	_____
William L. Crigler, Board Member	Bob Miller, Board Member
_____	
Clark Powers, Board Member	

#### **COMMITTEE REPORTS (OLD BUSINESS/NEW BUSINESS):**

##### **RAPIDAN SERVICE AUTHORITY (Reappointment of Troy Coppage):**

Lisa Robertson, County Administrator, advised that a letter has been received from the Rapidan Service Authority stating that Troy Coppage's term on the RSA Board will expire December 31, 2008 and the RSA Board would like to reappointment him for an additional term.

Chairman, Eddie Dean suggested the Board discuss this issue at the November Workshop Session on November 20, 2008.

##### **MADISON COUNTY PARK & RECREATION AUTHORITY:**

Lisa Robertson, County Administrator, stated the Madison County Park & Recreation Authority has a few vacancies on the Board; applications will be submitted to the Madison County Board of Supervisors for consideration for appointment and will be added to the December Regular Meeting Agenda for action.

##### **CENTRAL VIRGINIA REGIONAL JAIL (Christmas Luncheon)**

Lisa Robertson, County Administrator, advised the Board has been invited to attend the Christmas Luncheon at the Central Virginia Regional Jail on Friday, December 5, 2008 from 12:00 p.m. to 3:00 p.m. at the facility.

### **MADISON CHAMBER OF COMMERCE BANQUET**

Chairman, Eddie Dean reminded the Board members of the upcoming Banquet sponsored by the Madison Chamber of Commerce scheduled for Monday, November 17, 2008 beginning @ 6:00 p.m. followed by dinner @ 7:00 p.m.

### **KEMPER MANSION (Renovations)**

Lisa Robertson, County Administrator, advised the painting at the Kemper Mansion is just about finished; a meeting is being scheduled between the contractor, Ed Eichman, and representatives of the Madison Historical Society for Thursday, November 13<sup>th</sup> to assess that all work meets the existing specifications as denoted; however, due to the fact tomorrow's forecast is calling for rain, the meeting may be rescheduled for later next week.

### **COURTHOUSE PROJECT**

Lisa Robertson, County Administrator, advised that work on the Courthouse Project is moving along fairly well; concrete has been poured (underpinning) which went well without any problems being noted (i.e. no major rock detected).

### **LARKINS MILL ROAD (Reimbursement)**

Lisa Robertson, County Administrator, advised the reimbursement funds have been received from the State for the local portion for the Larkins Mill Road Project.

### **MADISON MAIN STREET COMMITTEE**

Lisa Robertson, County Administrator, advised that she hasn't heard anything from members of the Greater Madison Main Street Committee regarding the walk-through that took place a few days ago; spoke with Bill Gentry a few days ago, but will get verification of a list of priorities in order to prepare bid documents for the next phase of the project. She also advised she submitted an application recently for another round of enhancement funding from the State – nothing will be received on the request until the first of the year as to whether or not additional funds will be awarded.

Chairman, Eddie Dean advised the upcoming phase is being done without plans, to which Lisa Robertson, County Administrator, stated the project is characterized

as a “no plans project” as long as it is straightforward sidewalk, curbing, gutters, and will require the Virginia Department of Transportation to do some level of inspection (which will be reimbursed to them); additionally, the County will be required to utilize a Virginia Department of Transportation pre-approved contractor (i.e. contractor will have to go through a process where they will be required to demonstrate they are familiar with the specifications as required by the Virginia Department of Transportation).

Chairman, Eddie Dean called for a five-minute recess.

Chairman, Eddie Dean called the meeting back to order.

#### **IN RE: CHRISTMAS HOLIDAY LUNCHEON**

Chairman, Eddie Dean asked if a date has been set to hold the County Christmas Holiday Luncheon; to which Lisa Robertson, County Administrator, advised that no initial date has been set; however, Thursday, December 18<sup>th</sup> is an tentative date.

#### **IN RE: JOINT MEETING W/MADISON COUNTY SCHOOL BOARD**

Clark Powers verbalized concerns regarding an issue that was discussed during the previous Joint Meeting between the Madison County Board of Supervisors and the Madison County School Board, to which Chairman, Eddie Dean advised the requests in question were denoted in the area of capital improvements; however, no specific date was verbalized for improvements to be implemented.

Erik Weaver, Sheriff, also advised there has been an increase in court cases (i.e. civil, domestic, juvenile).

#### **IN RE: PUBLIC COMMENT**

Chairman, Eddie Dean opened the floor for public comment and there was none.

Chairman, Eddie Dean recessed the meeting until 7:30 p.m.

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**7:30 P.M.: Meeting reconvened with Chairman, Eddie Dean calling the meeting to order and noted that all Board members are present.**

**(JAMES L. ARRINGTON ARRIVED @ 7:30 P.M.)**

#### **IN RE: PUBLIC COMMENT**

Chairman, Eddie Dean opened the floor for public comment and there was none.



**IN RE: PUBLIC HEARING (Short-term Obligation for the Madison Courthouse)**

Chairman, Eddie Dean opened the floor for discussion on the short-term obligation for the Madison Courthouse.

Lisa Robertson, County Administrator, stated the County has completed an application with the Virginia Municipal League Finance Program to cover the costs of renovations to the Madison Courthouse; she stated the purpose of the application is for the County to borrow funding on a short-term bases (paper program) for \$5 million dollars; however, tonight's Resolution for adoption denotes a total cost of \$5.1 million dollars as a result of the funding amount being rounded up to cover some of the transactions associated with the program. Although she feels these associated transaction costs will not total \$100,000.00, this an adjusted dollar amount after rounding.

Lisa Robertson, County Administrator, also advised the Industrial Development Authority (IDA) of Stafford County & the City of Staunton will be issuing bonds and the proceeds of those bonds will be utilized by the Virginia Municipal League (VML) to extend credit to localities such as Madison County; essentially this process will be similar to drawing down on a line of credit.

Additionally, Lisa Robertson, County Administrator, advised that Madison County is required to have a Public Hearing to authorize borrowing of the funds on a short-term basis, and should the County pursue this issue, the Resolution will need to be approved along with completion of a packet of documents that will be required at the time of closing (i.e. loan statement agreement, closing statement, attorney's certificate, etc.) that will also need to be completed and designate Chairman, Eddie Dean and Lisa Robertson, County Administrator, as having the authority to sign all necessary loan documents for closing and completion of the transaction.

In closing, Lisa Robertson, County Administrator, advised the closing date has been set for Wednesday, November 19, 2008 and although the final interest rate will not be established until the date of closing, today's closing rate is 2.6%, which rose just slightly from the previous rate of 2.5% about three (3) weeks ago; therefore, there might be a slight increase noted. Additionally, V. R. Shackelford, III, County Attorney, has reviewed all loan documents and is satisfied with the language contained in said documents.

Bob Miller expressed concerns over Item #6 (second sentence) in the document that references as follows:

Security of Note: Any other provision of the Loan Agreement, the Note or any Security Instruments to the contrary notwithstanding, the County's obligation to make payments under the Loan Agreement, the Loan and the other Loan Documents is hereby specifically stated to be subject to annual appropriation.....:

V. R. Shackelford, III, County Attorney, advised the key wording is "subject to annual appropriation" and advised refers to debt; however, any time the County borrows funding, provisions are subject to annual appropriation. In closing, he advised if there is not appropriation, the County may not get this guarantee in the future; the existing short-term funding is set up for a five-year (5) repayment schedule and is all subject to annual appropriation (standard wording).

Lisa Robertson, County Administrator, stated the short-term funding program appears to be most beneficial as the County will only drawn down on funding as it is utilized and will only be obligated to repay what is actually borrowed (on a monthly basis) and there is no penalty for early repayment.

Bob Miller verbalized concerns as the County has basically reserved \$5.1 million dollars and what would take place should the County only need to utilize \$4.5 million.

Lisa Robertson, County Administrator, stated she wasn't sure of the method in which VML handled the commercial paper program; however, she stated that based on the amount that localities have generally borrowed were issued a note – if the County doesn't need to utilize the full amount, there may be another locality that has a project and will need additional funding, and this is an issue that VML will handle accordingly (i.e. similar to a line of credit).

Lisa Robertson, County Administrator, stated the entity being discussed tonight issues bonds periodically throughout the year and not specifically for Madison County; however, every now and then when there is a sufficient aggregation of things that localities may want to borrow money fore, the entity will issue the bonds and raise the funds for the commercial paper program.

Chairman, Eddie Dean then opened the floor of the Public Hearing on Short-term financing for the Courthouse.

Chairman, Eddie Dean then closed the Public Hearing and moved onto the next order of business to adopt the Resolution as presented.

Lisa Robertson, County Administrator, advised the Board will need to take action on the Resolution (as follows) for Short-term Financing for the Madison County Courthouse.

**RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY,  
VIRGINIA, APPROVING THE ISSUANCE AND SALE OF A MADISON  
COUNTY PUBLIC IMPROVEMENT NOTE IN THE MAXIMUM PRINCIPAL  
AMOUNT OF UP TO \$5,100,000, AND THE EXECUTION AND DELIVERY OF  
CERTAIN DOCUMENTS  
PREPARED IN CONNECTION THEREWITH**

WHEREAS, Madison County, Virginia (the "County"), has previously submitted an application to the Industrial Development Authority of the County of Stafford and the City of Staunton, Virginia (the "Authority"), to finance all or a portion of the costs of renovating the County Courthouse, together with related costs and expenses (the "Project"), through the Virginia Municipal League/Virginia Association of Counties Commercial Paper Finance Program, and the Authority has indicated its willingness to finance the Project from the proceeds of its revenue bonds (the "Authority's Bonds"), in accordance with the terms of a Loan Agreement between the Authority and the County (the "Loan Agreement"), the form of which has been presented to this meeting;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, VIRGINIA (THE "BOARD"):

1. Issuance of Note and Use of Proceeds. Pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991 (the "Act"), and without regard to the requirements, restrictions or other provisions contained in any charter or local or special act applicable to the County, the Board hereby provides for the issuance and sale of a public improvement note of the County in a maximum principal amount of \$5,100,000, to provide funds to finance the Project and to pay related costs, including capitalized interest for up to eighteen months and costs incurred in issuing such note.

2. Authorization of Loan Agreement. The form of the Loan Agreement submitted to this meeting is hereby approved. The County Administrator and the Chairman of the Board are each authorized to execute the Loan Agreement in substantially such form, with such completions, omissions, insertions and changes not

inconsistent with this Resolution as may be approved by the County Administrator or the Chairman of the Board, whose approval shall be evidenced conclusively by the execution and delivery thereof. The issuance and sale of the County's public improvement note to the Authority shall be upon the terms and conditions of the Loan Agreement. The proceeds of such note shall be applied in the manner set forth in the Loan Agreement and related documents. All capitalized terms used but not defined herein shall have the same meaning as set forth in the Loan Agreement.

3. Note Details. The note shall be issued as a single, registered note, shall be designated "Public Improvement Note" (the "Note"), with an appropriate series designation, and shall be numbered R-1. The Board authorizes the issuance and sale of the Note on such terms as shall be satisfactory to the County Administrator or the Chairman of the Board; provided, however, that the Note (a) shall be in a principal amount ranging from \$5,000,000 to \$5,100,000, (b) shall mature no later than November 30, 2013, and (c) shall bear interest on the outstanding principal balance thereof at an initial rate of interest approved by the County Administrator or the Chairman of the Board, with such rate to be adjusted periodically in accordance with the terms and conditions of the Loan Agreement and the documents prepared in connection with the issuance of the Authority's Bonds, and shall accrue certain other ongoing costs and expenses upon the terms and conditions described in the Loan Agreement. Subject to the preceding terms, the Board further authorizes the County Administrator or the Chairman of the Board to (a) determine the final principal amount of the Note and (b) to establish the maturity date and principal amortization schedule (including the principal installment dates and amounts) for the Note in such manner as the County Administrator or the Chairman of the Board shall determine to be in the best interest of the County. The County Administrator's or the Chairman of the Board's approval of the final terms, purchase price, initial interest rate, interest rate adjustment provisions, maturity date and amortization schedule of the Note shall be evidenced by the execution and delivery of the Note, and no further action shall be necessary on the part of the County. As set forth in the Loan Agreement, the County agrees to pay the Program Expenses associated with the Note and the Loan Agreement, together with any applicable late payment or similar costs and expenses described therein. The principal of and premium, if any, and interest on the Note shall be payable in lawful money of the United States of America.

4. Payment and Redemption Provisions. The principal of and premium, if any, and interest on the Note shall be payable as set forth in the Note and the Loan Agreement. The County may, at its option, redeem, prepay or refund the Note upon the terms set forth in the Loan Agreement.

5. Execution and Form of Note. The Note shall be signed by the County Administrator or the Chairman of the Board of the County, and the County's seal shall be affixed thereon and attested by the Clerk of the Board. The Note shall be issued as a typewritten note in a form sufficient to evidence the County's obligations under the Loan Agreement, consistent with the terms of this Resolution, and approved by the County Administrator or the Chairman of the Board, whose approval shall be evidenced conclusively by the execution and delivery of the Note.

6. Security for the Note. Any other provision of the Loan Agreement, the Note or any Security Instruments to the contrary notwithstanding, the County's obligation to make payments under the Loan Agreement, the Loan and the other Loan Documents is hereby specifically stated to be subject to annual appropriation therefore by the Board, and nothing in the Loan Agreement, the Loan or in the other Loan Documents shall constitute a pledge of the full faith and credit nor taxing power of the County nor compel the Board to make any such appropriation. The obligation of the County to make payments under the Loan Agreement does not constitute a debt of the County within the meaning of any constitutional or statutory limitation nor a liability of or a charge upon funds or property of the County beyond any moneys appropriated to make such payments as current expenses of the County. The County is entering into the Loan Agreement, the Note and any Security Instruments in order to obtain financing on a subject to appropriation basis from current expense payments of the County and not pursuant to the County's long-term borrowing powers.

7. Preparation of Printed Note. Upon the reasonable request of the registered owner and upon presentation of the Note at the office of the Registrar (as hereinafter defined), the County shall arrange to have prepared, executed and delivered in exchange as soon as practicable the Note in typewritten form in an aggregate principal amount equal to the unpaid principal of the Note, in denominations of \$100,000 and integral multiples of \$5,000 in excess thereof, of the same form and maturity and registered in such names as requested by the registered owners or their duly authorized attorneys or legal representatives. The printed Note may be executed by manual or facsimile signature of the County Administrator or the Chairman of the Board, with the County's seal affixed thereto and attested by the Clerk of the Board; provided, however, that, if both such signatures are facsimiles, no Note shall be valid until it has been authenticated by the manual signature of the Registrar and the date of authentication noted thereon. The typewritten Note surrendered in any such exchange shall be canceled.

8. Registration and Transfer of the Note. The County appoints the County Treasurer as paying agent and registrar (the "Registrar") for the Note. If deemed to be in the County's best interest, the County Administrator or the Chairman of the Board may at any time appoint a qualified bank or trust company, or another official of the County, as successor Registrar. The Note may be transferred only by an assignment duly executed by the registered owner thereof in form satisfactory to the Registrar in exchange for a single, new Note having an equal maximum principal amount, of the same form and maturity, and bearing interest at the same rates. Such transfer shall be made in the registration books kept by the Registrar, upon presentation and surrender hereof. The Registrar shall treat the registered owner as the person or entity exclusively entitled to payment of principal, premium, if any, and interest, and the exercise of all other rights and powers of the owner.

9. Mutilated, Lost or Destroyed Note. If the Note has been mutilated, lost or destroyed, the County shall execute and deliver a new Note of like date and tenor in exchange and substitution for, and upon cancellation of, such mutilated Note or in lieu of

and in substitution for such lost or destroyed Note; provided, however, that the County shall so execute and deliver only if the registered owner has paid the reasonable expenses and charges of the County in connection therewith and, in the case of a lost or destroyed Note, (a) has filed with the County evidence satisfactory to the County that such Note was lost or destroyed and (b) has furnished to the County satisfactory indemnity.

10. Preparation and Delivery of Note. The County Administrator and the Chairman of the Board are authorized and directed to take all proper steps to have the Note prepared and executed in accordance with its terms and to deliver it to the Authority as the purchaser thereof upon receipt of the purchase price from the Authority as set forth in the Loan Agreement.

11. Arbitrage Covenants. The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the Note to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereto (the "Code"), or otherwise cause interest on the Note to be includable in the gross income of the registered owner thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Note, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Note from being included in the gross income for federal income tax purposes of the registered owners thereof under existing law. The County shall pay any such required rebate from legally available funds.

12. Tax and Other Documents. The County Administrator and the Chairman of the Board are each authorized and directed to execute and deliver a Tax Certificate as to Arbitrage, an IRS Form 8038-G and a Program Administration Agreement, each in a form approved by such officers and the County's bond counsel.

13. Reimbursement for Prior Expenditures. To the extent applicable and necessary, in adopting this resolution the Board intends to evidence its "official intent" to reimburse Project expenditures with proceeds from the issuance of the Note within the meaning of Treasury Regulations Section 1.150-2 promulgated by the Internal Revenue Service pursuant to the Code.

14. Other Actions. All other actions of County officials in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Note are ratified, approved and confirmed. The County officials are authorized and directed to execute and deliver all certificates and other instruments considered necessary or desirable in connection with the issuance, sale and delivery of the Note pursuant to this Resolution and the Loan Agreement.

15. Filing of Resolution. The County Attorney and the County Administrator are authorized and directed to coordinate the prompt filing of a certified copy of this

resolution in the Circuit Court of Madison County, Virginia, in accordance with Section 15.2-2607 of the Act.

16. Effective Date. This Resolution shall take effect immediately.

*[Remainder of Page Intentionally Left Blank]*

# CERTIFICATE

The undersigned Clerk of the Board of Supervisors of Madison County, Virginia (the "Board"), hereby certifies that:

1. A meeting of the Board was duly called and held on November 12, 2008 (the "Meeting").

2 Attached hereto is a true, correct and complete copy of a resolution (the "Resolution") of the Board entitled "Resolution of the Board of Supervisors of Madison County, Virginia, Approving the Issuance and Sale of a Madison County Public Improvement Note in the Maximum Principal Amount of up to \$5,100,000, and the Execution and Delivery of Certain Documents Prepared in Connection Therewith," as recorded in full in the minutes of the Meeting and duly adopted by a majority of the members of the Board present and voting during the Meeting.

3. A summary of the members of the Board present or absent at the Meeting, and the recorded vote with respect to the Resolution, is set forth below:

Member Name	Voting				
	Present	Absent	Yes	No	Abstaining
Eddie Dean, Chairman	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
James L. Arrington, Vice Chairman	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
William L. Crigler	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
Bob Miller	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
Clark Powers	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>

4. The Resolution has not been repealed, revoked, rescinded or amended, and is in full force and effect on the date hereof.

WITNESS my signature and the seal of the Board of Supervisors of Madison County Virginia, this November \_\_\_\_, 2008.

\_\_\_\_\_  
Clerk of the Board of Supervisors of  
Madison County, Virginia

After discussion, on motion of Clark Powers, seconded by James L. Arrington, the Board approved the Resolution of the Board of Supervisors of Madison County, Virginia, Approving the Issuance & Sale of a Madison County Public Improvement Note in the Maximum Principal Amount of up to \$5,100,000.00 and the



Execution and Delivery of Certain Documents Prepared in Connection Therewith, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Lisa Robertson, County Administrator, advised the Board will also need to authorize the Board Chairman (Eddie Dean) and the County Administrator (Lisa A. Robertson) to sign any documents (to include the loan agreement) that are necessary in order to attain closure on the loan.

After discussion, on motion of William L. Crigler, seconded by Clark Powers, the board authorized Chairman, Eddie Dean and Lisa A. Robertson, County Administrator, to sign any documents (to include the loan agreement) that are necessary in order to attain closure on the aforementioned loan, with the following vote recorded:

Eddie Dean	Abstain
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Chairman, Eddie Dean stated the Board will need to enter into Closed Session followed by adjournment of tonight's meeting.

#### **IN RE: CLOSED MEETING**

On motion of William L. Crigler, seconded by Bob Miller, the Board voted to go into a closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act – this subject and purpose falls within the following exemption: Virginia Code §2.2-3711(A)(1) Pertaining to Emergency Communications Dispatch Center (E911) and the Animal Control Officers, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

**\*Robert Finks and Ross Shifflett will remain during the Closed Session\***

On motion of William L. Crigler, seconded by Clark Powers, the Board voted to reconvene in open session, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

On motion of William L. Crigler, seconded by James L. Arrington, the Board voted to certify, pursuant to Va. Code §2.2-3712, that only matters specifically exempted from the open meeting requirements of the Freedom of Information Act, as identified in the motion by which the closed meeting was convened, were heard, discussed or considered in the closed session. The following vote was recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

MOTION: William L. Crigler

RESOLUTION NO: 2008-9

SECOND: James L. Arrington

MEETING DATE: November 12, 2008

#### CERTIFICATION OF CLOSED MEETING

WHEREAS, the Madison County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, 2.2-3712 of the Code of Virginia requires a certification by the Madison County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the members of the Madison County Board of Supervisors hereby certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Madison County Board of Supervisors.

VOTE

AYES, Eddie Dean, James L. Arrington, William L. Crigler, Bob Miller, Clark Powers

ABSTAIN: None

NAYS: None

ABSENT DURING VOTE: None

ABSENT DURING MEETING: None

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Clerk/Secretary of the Madison County Board of Supervisors

\*No action was taken as a result of Closed Session.

With no further action being required by the Board, on motion of James L. Arrington, seconded by Clark Powers, Chairman, Eddie Dean adjourned the meeting, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Date: November 13, 2008